

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Pecos District
Carlsbad Field Office
620 East Greene Street
Carlsbad, NM 88220

DECISION RECORD

for the

Hayhurst Master Development Plan Environmental Assessment

NEPA No. DOI-BLM-NM-P020-2016-1434-EA

I. Decision

I have decided to select the proposed action for implementation as described in the September 2016, Hayhurst Master Development Plan Environmental Assessment (EA). Based on my review of the EA and project record, I have concluded that the proposed action was analyzed in sufficient detail to allow me to make an informed decision. I have selected this alternative because the proposed treatments will allow reasonable access to oil and gas development.

II. Finding of No Significant Impact

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the EA for the DOI-BLM-NM-P020-2016-1434-EA. I have also reviewed the project record for this analysis. The effects of the proposed action are disclosed in the Environmental Consequences sections of the EA. I have determined that the proposed action as described in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary.

III. Other Alternatives Considered

No reasonable action alternative was substantially different in design or effects from the proposed action for this project. Therefore no other alternative was considered or analyzed.

IV. Public Involvement

The Carlsbad Field Office (CFO) publishes a NEPA log for public inspection. This log contains a list of proposed and approved actions in the field office. The log is located in the lobby of the CFO as well as on the BLM New Mexico website (http://www.blm.gov/nm/st/en/prog/planning/nepa_logs.html). The BLM also has an ePlanning website (https://eplanning.blm.gov/epl-front-office/eplanning/lup/lup_register.do) that allows the public to review and comment online on BLM NEPA and planning projects. Hard copies of the draft EA were also available at the BLM CFO as well as the BLM Santa Fe and Albuquerque Offices. The draft EA was made available for a 30-day public review and comment period.

BLM CFO received a total of nine comment letters on the EA. Comments were categorized into issue statements that primarily focused on air resources, vegetation, wildlife, karst, night skies, visual resources, Areas of Critical Environmental Concern, Lands with Wilderness Characteristics, impacts to Carlsbad Caverns National Park, NEPA (e.g. level of documentation, alternatives), mitigation, and the

Resource Management Plan revision. Responses to comment issue statements are provided in Appendix F of the EA.

V. Appeals


This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with George MacDonell, Carlsbad Field Manager, at 620 East Greene Street, Carlsbad, NM 88220. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the IBLA, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300 Arlington, VA 22203 within 30 days after the notice of appeal is filed with George MacDonell, Carlsbad Field Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 1100 Old Santa Fe Trail, Santa Fe, NM 87505.



George MacDonell
Field Manager

10/7/16

Date

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Pecos District
Carlsbad Field Office
620 East Greene Street
Carlsbad, NM 88220

Finding of No Significant Impact
Hayhurst Master Development Plan

NEPA No. DOI-BLM-NM-P020-2016-1434-EA

FINDING OF NO SIGNIFICANT IMPACT:

I have determined that the proposed action, as described in the EA will not have any significant impact, individually or cumulatively, on the quality of the human environment. Because there would not be any significant impact, an environmental impact statement is not required.

In making this determination, I considered the following factors:

1. The activities described in the proposed action do not include any significant beneficial or adverse impacts (40 CFR 1508.27(b)(1)). The EA includes a description of the expected environmental consequences of implementation of the Master Development Plan, including construction and operation of well pads; production, storage, and compression facilities; water disposal and recycling facilities; gathering pipelines for oil, gas, and produced water; pipelines for fresh, brackish, or recycled water to support hydraulic fracturing operations; and upgraded and new access roads.

In order to ensure that the proponent's impacts are consistent with the operating parameters considered in the air quality analysis, Conditions of Approval (COA) will be applied to Applications for Permit to Drill requested under the Hayhurst Master Development Plan. These COAs are:

- All project activities including equipment emissions shall meet or exceed all state and federal standards for air quality as regulated by the New Mexico Environment Department Air Quality Bureau and the U.S. Environmental Protection Agency.
- The operator will implement a drill and completion rig schedule where Tier 4 (or equivalent) drill and completion rigs are phased in. The operator will not exceed four drill rigs at one time and will be 100% compliant with Tier 4 (or equivalent) standards in 2020.
- During the drilling phase, the operator will emit NOx emissions of 262.95 tons per year (tpy) or less from nonroad (mobile sources) between Year 1 and Year 3 and 220.7 tpy or less from nonroad (mobile sources) for the remainder of the drilling phase.
- The operator will emit 213.6 tpy or less of NOx emissions during production operations, as defined in the emission inventory analyzed in the Environmental Assessment. The operator will submit emissions and/or parameters with an Application for Permit to Drill or annual emissions inventory that show the NOx emissions are within the limits of the air quality analysis within the Environmental Assessment.

2. The activities included in the proposed action would not significantly affect public health or safety (40 CFR 1508.27(b)(2)).
3. The proposed activities would not significantly affect any unique characteristics (40 CFR 1508.27(b)(3)) of the geographic area such as prime and unique farmlands, caves, wild and scenic rivers, designated wilderness areas, wilderness study areas, or areas of critical concern.
4. The activities described in the proposed action do not involve effects on the human environment that are likely to be highly controversial (40 CFR 1508.27(b)(4)).
5. The activities described in the proposed action do not involve effects that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).
6. My decision to implement these activities does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).
7. The effects of the Master Development Plan including construction and operation of well pads; production, storage, and compression facilities; water disposal and recycling facilities; gathering pipelines for oil, gas, and produced water; pipelines for fresh, brackish, or recycled water to support hydraulic fracturing operations; and upgraded and new access roads would not be significant, individually or cumulatively, when considered with the effects of other actions (40 CFR 1508.27(b)(7)). The EA discloses that there are no other connected or cumulative actions that would cause significant cumulative impacts.
8. I have determined that the activities described in the proposed action will not adversely affect or cause loss or destruction of scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8)).
9. The proposed activities are not likely to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)).
10. The proposed activities will not knowingly threaten any violation of Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).

APPROVED:



George MacDonell
Field Manager
Carlsbad Field Office

10/7/16
Date